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GULIAN C. VERPLANCK;

His Ancestry, Life, and Character.

BY

CHARLES P. DALY, LL. D.

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GULIAN C. VERPLANCK;

HIS ANCESTRY, LIFE, AND
CHARACTER.

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BY

CHARLES P. DALY, LL. D.



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THE BIOGRAPHICAL ADDRESS
OF
CHIEF-JUSTICE DALY.

To Mr. Verplanck must be accorded the metropolitan honor of having been the most distinguished descendant of the men who nearly two centuries and a half ago founded the city of New York. It may be doubted if there be any family now extant in the city, with the single exception of the Browsers, who can trace their connection with its early history as far back as the one of which he, by direct chain of lineal descent, was at the time of his death the gifted head. They were, as their name denotes, of that old Batavian stock, half Flemish and half Dutch, of Brabant and Zealand—a race to which he was not merely allied by blood, but of which he was a repre-

sentative type, for he resembled them in his personal appearance, and he had their characteristic abilities and virtues; their probity, frugality, and firmness; their independence of mind, their tolerant spirit, their capacity for public affairs, and their love of letters.

A book published in Amsterdam, in 1651 (*"Beschryvinghe Van Virginia,"* etc.), contains the earliest pictorial representation of the little dorp or village which has since become the commercial metropolis of America. This print represents a fort at the southern extremity of the island of New York, close to the water's edge, with a few houses sparsely scattered to the east and west of it, the roofs of some of which, from the inequality of the ground, are alone visible, and towering above all, that indispensable and uniformly prominent object in a Dutch village, a windmill. Before the drawing for this print was made, or, to express it more definitely, in 1630, four years after the purchase of the island from the Indians, when the entire population, men, women, and children, did not exceed three hundred souls, Abraham Isaacson Ver Planck, or, as he was sometimes called, Planck, was married to Maria, daughter of Jan Vigne, one of the proprietors of the land surrounding "The Collect," or Great Fresh-water Pond, which existed up to the early part of the present century, on the space now bounded by Broadway,

Grand, Chatham, and Reade Streets. As he was the first immigrant and common ancestor, it may not be inappropriate upon an occasion like this to put together from our early Dutch records what has been preserved respecting him. In the year of his marriage, a director of the Amsterdam Company, named Pauw, obtained a patent for a large tract of land, opposite the little settlement, upon the western bank of the Hudson, which included what is now Jersey City and Hoboken. This tract, to which he gave the Latin name of Pavonia, was granted to him as a Patroon under the imposing title of the Lord of Aechtienhoven, that he might found there a feudal estate or manor of the kind which Van Rensselaer about the same period established in the land about Albany. Having vainly endeavored for several years to accomplish this object, he gave up the grant, and Abraham Verplanck was the first to avail himself of the opportunity thus offered to obtain, by purchase, a considerable portion of this fertile tract at or in the vicinity of Jersey City, where he soon established a flourishing farm, and, by selling off other portions of it unconditionally to actual settlers for farms and tobacco-plantations, he managed to bring about what the would-be feudal proprietor could not, an active and thriving agricultural settlement. In 1641 he was selected by the inhabitants as one of the coun-

cil of "Twelve Men," the first attempt at any thing like representative government in the colony, which had its origin in the following circumstance:

In 1626 a peaceable Indian from Westchester, accompanied by his son, a young boy, started for the Dutch fort to barter some beaver-skins, and was met upon his way, in the vicinity of "the Collect," by three of the inhabitants, who robbed him of his peltries, and, to conceal what they had done, murdered him. The boy, however, escaped, to remember the deed and to avenge it in the manner of his race. When he had arrived at the age of manhood, fifteen years afterward, he went to New Amsterdam, and, entering the house of an humble mechanic, struck him dead with the blow of an axe. This open and daring act, perpetrated under the very walls of the fort, filled the whole settlement with consternation and alarm. The governor demanded the murderer, but his tribe, approving of what he had done, refused to give him up, upon which the heads of families in Manhattan and its vicinity were summoned to the fort, and, upon the governor apprising them of his design to make a general war upon the Indians, they selected twelve of their number as a representative body to confer with him. The "Twelve Men" decided against the war, evasively advising the governor to wait for a fitting opportunity;

and, having in this way been called into existence as representatives, they proceeded to recommend a remodelling of the government, so as to secure to the inhabitants the rights and privileges they had enjoyed in Holland, which resulted in an ordinance of Governor Kief dissolving that body and forbidding any future assemblage of the people, as "dangerous and tending to the great injury of the country and of his authority." Very soon afterward Abraham Verplanck was arrested "for slandering the authorities and maliciously tearing down an ordinance posted on the gate of the fort," possibly the one dissolving the popular body, for which he was fined three hundred guilders. The imposition of this fine, a very heavy one at the time, appears to have wrought a thorough change in his sentiments; for in the following year, with two others who had served with him in the Council of the Twelve Men, he went to Kief, and, falsely professing to represent the wishes of the inhabitants, proposed that an attack should be made upon the unsuspecting savages, he and his two associates offering to guide the soldiers and to assist them in making it. The proposition was eagerly accepted, and led to the perpetration of the darkest deed that stains the annals of New Netherland. One hundred and twenty Indians at Pavonia and Corlear's

Hook were massacred in cold blood in their wigwams at midnight. Forty were murdered in their beds. Infants, torn from their mothers' breasts, were chopped into pieces with axes, and the fragments thrown into the fire. Neither age nor sex was spared; and the cries of the unhappy wretches, borne across the waters of the Hudson, were heard on the ramparts of the fort at New Amsterdam, by the navigator De Vries, who has recorded the incident.

That Abraham Verplanck was not merely one of the instigators, but one of the chief actors in the execution of this bloody deed, may be inferred from the fact that, when the matter came before the States-General for investigation, the committee to whom it was referred recommended that two persons should be brought to Holland for examination, and Abraham Verplanck was one of them. It may very well have been, in view of this circumstance, that Mr. Verplanck never felt any desire to write the history of New Netherland, but left the task to be discharged long after he had become prominent as a literary man, by Dr. O. Callaghan and Mr. Brodhead. Indeed, with the exception of a slight allusion in an oration delivered half a century ago, I am not aware that he ever wrote any thing about the people of New Netherland or their history.

The investigation in Holland seems to have been

abandoned, or at least was productive of no injurious consequences to Abraham Verplanck, for he grew in favor under the subsequent government of Stuyvesant. In 1649 he was the owner of a plot of ground adjoining the fort, upon which he had a house and garden, which I suppose to have been the site of the present Bowling-Green, as it was taken that year to be used as an open place for the holding of the weekly fairs, or markets, another piece of land being given to him in exchange for it, and because there was only one open space or public square within the city walls for more than half a century afterward. In 1655 his name appears upon the list of those upon whom a compulsory tax was imposed for the defences of the city, and it may be mentioned as a characteristic, that it does not appear upon the list of those who had previously made voluntary loans for the building of the wall from which Wall Street takes its name. Ten years afterward he appears as a witness to a treaty which Stuyvesant effected with the Indians for the acquisition of lands upon the South River, in Delaware, of which he became one of the grantees. He appears by the records to have been no respecter of the ordinances, where the disregard of them was attended by any advantage in trading, and to have been very litigious, involved in lawsuits with his mother-in-

law and his wife's relations respecting the lands surrounding "the Collect," and with others. In 1664 he was one of the signers of the remonstrance urging the inexorable Stuyvesant to capitulate to the English; and we can imagine the temper with which the indignant governor read the passage advising him not "to call down the vengeance of Heaven for all the innocent blood which may be shed by reason of your honor's obstinacy." Upon the capitulation of the city, Abraham Verplanck was one of the two hundred and seventy-two who swore allegiance to the English, and with that act his name disappears from our records.

His son, the first Gulian, was the founder of the subsequent wealth and prosperity of the family. He became a merchant, having his store upon Pearl Street, which then faced the water, between Broad and Whitehall Streets. He was a sharp-sighted man of business, attentive to his own interest, but regarded as worthy of so much trust and confidence, that he was one of the three persons charged with the care and settlement of Governor Lovelace's estate. When the Dutch repossessed themselves of the city in 1673, he was one of five selected by the government, out of fifteen recommended by a vote of the inhabitants, for the office of schepen, a position ranking next to that of burgomaster; but, while filling the position, he

was tried for holding intercourse with the English, a grave offence on the part of a magistrate in the eyes of his associates; which he defended upon the ground that he did so to secure his estate in New England; which not being considered satisfactory, a heavy fine was imposed upon him of five hundred beaver-skins. Upon the restoration of the city to the English in 1674, an enumeration was made of two hundred and seven of the most wealthy of the inhabitants, in which his personal estate is put down at five thousand florins, being the twenty-eighth in order on the list. A few years afterward he united with others in a purchase from the Indians of a large tract of land upon the Hudson, which was followed shortly thereafter by the location of Fishkill, of which he was one of the founders—the first settlement made in Dutchess County. It was by this act chiefly that he laid the foundation of the future wealth and social influence of the family; his descendants having managed, amid the mutations, revolutions, and changes, that have occurred in our history, to retain, to a very great extent, what he had the forethought to acquire. A family homestead, built about the commencement of the last century, was Mr. Verplanck's country residence, which, together with the lands around it, has passed, by his death, to his only surviving son, William S. Verplanck, Esq., the father of a numerous family.

During the colonial period, the Verplancks, by intermarriage with the leading English and Dutch families, the Bayards and the Ludlows, the Van Cortlands and the Beekmans, increased in wealth and social importance. By their marriage with the Van Cortlands they acquired the large tract of land jutting out into Hudson River which is known as Verplanck's Point. In 1730 they intermarried with the Crommelins, an influential Dutch family, long afterward, and until a few years ago, represented in Amsterdam by the wealthy banking-house of that name. This family connection was further cemented by the marriage of Mr. Verplanck's grandfather with an heiress of one of principal members of this house, a few years before the breaking out of the American Revolution, and this family association with Holland was preserved in the middle name of Crommelin, borne alike by Mr. Verplanck and by his father. Throughout the whole of the colonial period, the family were, to employ a term that was then in use, "people of figure;" the most distinguished member during that period being Philip Verplanck, who, in 1734 and 1768, represented the Manor of Cortland in the Colonial Assembly, and who, in 1746, was one of the commissioners to confer with the other colonies upon the French and Indian War. When the difficulty occurred with Great Brit-

ain, like many of the Dutch families, their sympathies were with the colonists. Samuel Verplanck, Mr. Verplanck's grandfather, was a member of the general committee of one hundred, organized in the city of New York in 1775, and, as a delegate of the Provisional Congress of the colony, he signed the celebrated Declaration of Association and Union against the pretensions of Great Britain, one of the preparatory steps to the Declaration of Independence in the following year. But with that his active sympathies ceased, and he failed to fulfil the bold resolution to which he had bound himself by his signature, to "carry into execution whatever the Continental Congress should recommend." No doubt the possibility of the loss, in the event of failure, of his landed estate in Dutchess, and his possessions in the city of New York, was too great a risk for a member of a family that had been ever mindful of the preservation of their property. He had not the Celtic quality of blood which led Charles Carroll, in affixing his name to the Declaration of Independence, to imperil a vast estate upon the issue, and, that there might be no mistake, to add to his signature, "of Carrollton." In December of 1776, Thomas Paine uttered the memorable words, "These are the times that try men's souls. The summer soldier and the sunshine patriot

will, in this crisis, shrink from the sacred cause of his country ;” and Samuel Verplanck was one of the men to whom these words applied. He was not willing to risk family distinction or property upon the issue of a cause, though he believed it to be right, and although he had declared, under his own signature, that the salvation of the rights and liberties of America “depended upon a firm union of its inhabitants, in the vigorous prosecution of the measures necessary to oppose the arbitrary and oppressive acts of Great Britain.” He took no further part in aid of the colonists, but carefully avoided doing any thing to incur their ill-will. His mansion and grounds at Fishkill became the headquarters of Baron Steuben during the period that the American Army were encamped in the vicinity, and in a large room in this mansion the meeting was held at which the Society of the Cincinnati was formed. Its owner appears to have acted with so much discretion, and to have given so little offence, that he escaped from being named in the act of forfeiture of 1779, and when the war closed he quietly repossessed himself of his property. As he was a rich man, and his Dutch wife was a woman of great intelligence and cultivation, he became one of the social magnates of the city of New York ; occupying a large double mansion in Wall Street, upon the site

of what was afterward the United States Assay building, where, and upon his patrimonial estate at Fishkill, he kept up the old Dutch hospitality. He died at the homestead at Fishkill, in 1819, at the age of ninety-one.

Having said thus much respecting the family, I cannot pass, at least without a brief notice, Gulian Verplanck, Mr. Verplanck's grand-uncle, after whom he was named, and who was in his time a very prominent man. He was for many years one of the leading merchants of the city, carrying on an extensive trade with Holland, where he had been sent in early life for his education. Like his grand-nephew, he was a man of literary tastes. Mr. Kelby, of the Historical Society, called my attention to a paragraph in the *Columbian* of February 23, 1817, which I will read, as the verses are quite respectable, containing what the writer felt to be a political prophecy.

“The following lines were transcribed from a pane of glass at an inn, in England :

“ Hail, happy Britain, Freedom's blest retreat,
Great is thy power ; thy wealth, thy glory, great :
But wealth and power have no immortal day,
For all things only ripen to decay ;
And when that time arrives, the lot of all,
When Britain's glory, wealth, and power, must fall,

Then shall thy sons, for such is Heaven's decree,
 In other worlds, another Britain see—
 And what thou art, America shall be.

“ (Signed) GULIAN VERPLANCK.
 1775.”

His anticipations of the future glory of America, however, had little effect upon his loyalty when the struggle with the mother country arose, and he remained in New York during the long period of the British occupation, a steadfast adherent to the crown. When the Duke of Clarence, then a young midshipman, afterward William IV., was in New York, Gulian Verplanck was his associate, skated with him upon the Collect, and rescued him from drowning when he fell through a hole in the ice. He was, however, a man of so much character and capacity, that his Tory antecedents in no way operated to his prejudice, for he was more influential and prominent after the Revolution than before. He represented the city of New York in the House of Assembly in 1788-'89, and again in 1796-'97, and upon both occasions was elected Speaker, a position at that time of great dignity and influence. In 1790 he became the President of the Bank of New York, then the only bank in the city, and continued to be its President until his death in 1799. He was the father

of Johnson Verplanck, for many years a prominent editor in New York, an active Federal politician, and a literary man.

Daniel C. Verplanck, Mr. Verplanck's father, married in early life Elizabeth Johnson, the daughter of the third and the grand-daughter of the first President of Columbia College, of which union Mr. Verplanck was the only child. His father afterward married Ann Walton, the daughter of William Walton, the proprietor, during the Revolution, of the old mansion, still standing in Pearl Street, known as the Walton House; by which marriage he had two daughters and three sons.¹ After his second marriage he lived exclusively in Dutchess County, which he represented for six years in Congress, from 1803 to 1809, and later in life he was one of the County Judges. He died in Fishkill, in 1846, at the age of eighty-eight.

Mr. Verplanck was born at his grandfather's house, in Wall Street, in 1786. He lost his mother at a very early age, and after his father's second marriage he was brought up exclusively by his grandmother, and passed most of his childhood in the house in which he was born and that of his grand-uncle Gulian, who lived a few doors below it, in Wall Street; or in occasional visits

¹ Mary Ann Verplanck, Samuel Verplanck, Elizabeth Verplanck, William Walton Verplanck, and James Delancey Verplanck.

to his mother's relations, the Johnsons, at Stratford, in Connecticut. Mrs. Henry Pierrepont remembered to have been present at a dinner-party at his grand-uncle's when young Gulian, then a very small boy, was brought in and placed upon the table, to repeat, for the entertainment of the company, a speech from one of the dramatists. The taste for the drama, thus early implanted, he retained through life. The theatre was always one of his greatest enjoyments, and his recollections of the great actors he had seen in this country and Europe, his vivid remembrance and delicate discrimination of their distinctive qualities, and the many interesting anecdotes he had to tell respecting them, was one of the charming features in his table-talk.

At his grandmother's house, and more especially at that of his grand-uncle, he had the opportunity of seeing all that was cultivated and refined of the society of New York at that period, and in his old age he frequently spoke of the happy hours he had spent in Gulian Verplanck's hospitable mansion, especially during the period when he was passing through college, and of the many distinguished persons he had seen there.

He graduated at Columbia College in 1801, at the early age of fifteen. Having outlived nearly all his contemporaries, I have met with no one who could

communicate any particulars of his college-life; but it may be taken for granted that he was an apt student, and diligently earned his degree. After leaving college he studied law in the office of the celebrated Edward Livingston, and was admitted to the bar by Chancellor (then Chief-Justice) Kent, in 1807, at the age of twenty-one.

In the following year he had an office as an attorney-at-law, at 51 Wall Street, and kept one for some years thereafter in Pine Street, but I apprehend did no business, as he was never known to have tried or argued a cause in court except a case of his own, which will be hereafter referred to.

In 1809 he may be said to have made his entrance into public life by the delivery of an oration upon the 4th of July, in the old North Dutch Church in William Street, before the Washington Benevolent Society. He was at the time a Federalist, the party to which his family belonged, and accordingly we find the young orator in this oration denouncing "the bold imposture and many-colored lies by which the friends of Washington were driven from public confidence." He portrayed in glowing rhetoric the disastrous effects of Jefferson's Administration, described the country during that period as "sunk in lethargy; its people drugged with flattery; its navy

dismantled; its commerce a prey to every petty pirate; its judiciary trampled under feet, with corruption sprouting from the head of the Administration and spreading through every department of the state, until the nation was brought to the very verge of ruin." Nor did the newly-elected President, Madison, fare much better. He was referred to as "the supporter of the calumniators of Washington, the patron of the admirers of French licentiousness who was content to submit in silence to the plans of men which had nearly brought the nation to the feet of Napoleon." All this was highly acceptable to the body before whom it was delivered. They printed the address, and with them, and with all who entertained the same sentiments, he acquired considerable reputation, and was marked as a rising man.

But he had been two years a student-at-law in the office of Edward Livingston, the talented leader of the Democratic party, and had the opportunity of learning something of the real views and sentiments of the other side. This association had doubtless opened his eyes to the fact that the general distrust of the people entertained by Hamilton and most of the leading Federalists was not destined to promote the success or secure the permanency of that party; and he was consequently careful to incorporate in his oration the sen-

timent that "to the people of this land experience has shown that the protection of their rights may be safely confided," indicating that he was then drifting toward the Democratic party, a result which an event that occurred two years afterward materially contributed to bring about.

In 1811 one of the graduating class of Columbia College, afterward well known as Dr. J. B. Stevenson, who had been appointed one of the disputants in a political debate which was to take place at the college commencement, submitted, as required, what he was to say, to the inspection of one of the faculty, Dr. Wilson. It contained this passage: "Representatives ought to act according to the sentiments of their constituents," which Dr. Wilson required him to modify by limiting it to one instance only. The young man remonstrated, but the doctor was inexorable, because, as he afterward testified, he considered it expedient that the young man should deliver correct principles, as he was to be the respondent in the debate. The commencement was held in Trinity Church before a crowded audience, and, when Stevenson came to reply, he omitted the qualification and delivered the passage exactly as he had written it. When his name was called for the delivery of a diploma, he ascended the stage, and, as the president was in the act of handing him the one

prepared for him, one of the professors interposed, and the president refused to confer the degree. The young man withdrew, overwhelmed by this public exposure, but upon returning to the body of the church he was surrounded by his fellow-graduates and friends, for he had been an industrious and most exemplary student, and at their instigation here turned to the platform and demanded his diploma. One of the professors, anxious to accommodate matters, said to him, "Probably you forgot," but the young man promptly answered, "I did not, but I would not utter what I did not believe." The diploma was again refused, upon which he had the courage to turn to the audience and say: "I am refused my degree, ladies and gentlemen, not from any literary deficiency, but because I refused to speak the sentiments of others as my own." This at once produced a sensation, upon which Hugh Maxwell, an alumnus of the college and afterward a distinguished advocate, went upon the stage and addressed the audience in support of Stevenson, condemning the faculty in what they considered very bold and offensive language. At this juncture Mr. Verplanck also went upon the platform and demanded of Dr. Mason, the provost, who was the ruling power in the college, why the degree was not conferred. Dr. Mason informed him, and Verplanck answered: "The reason, sir, is not

satisfactory; Mr. Maxwell must be sustained." The audience now became greatly excited in favor of Stevenson, and Verplanck, turning toward them, moved a vote of thanks to Mr. Maxwell "for his zealous and honorable defence of an injured man," a proposition which the graduating class received with three cheers, followed by three groans for the provost. Verplanck's manner in this scene, as subsequently described by Dr. Mason, "was loud and rude, with an air of consequence and disdain, calculated to aid and increase the disturbance," and, according to the doctor's account, he "appeared as if erecting himself into a tribunal to judge above the heads of the faculty," a statement in which others who were present did not concur. Old as well as young men now took as active a part as Verplanck or Maxwell; and when Dr. Mason, in his official character as provost, came forward to restore order, he was, to employ his own words when examined as a witness, received with a "hiss that in manner and quality would not disgrace a congregation of snakes upon Snake Hill in New Jersey." He was compelled to retire, the police were brought in, and the commencement came to an end in confusion and disorder.

From the college and the church the affair passed into the newspapers. The faculty published in the daily journals a lengthy vindication of their course,

and were answered by a rejoinder from the graduating class, and by replies from others who were present. A complaint was made to the grand jury, and seven of the principal actors, Stevenson, Verplanck, and Maxwell being included, were indicted, and at the August term of the Court of Sessions, or, as it was then popularly called, the Mayor's Court, they were arraigned and put upon their trial for the criminal offence of creating or assisting in a riot. De Witt Clinton, being then mayor of the city, presided; and from the unusual circumstance of such an occurrence in a church upon such an occasion, and the fact that all who were indicted were members of leading families of the city, the trial excited the deepest interest. Verplanck and Maxwell defended themselves, and three of the most eminent counsel of that day, David B. Ogden, Josiah O. Hoffman, and Peter A. Jay, appeared for the other defendants. The principal members of the faculty were examined as witnesses, conspicuous among whom was Dr. Mason, the provost of the college, in the earnestness and zeal which he displayed to secure a conviction. He was at the time the most eloquent preacher in the city, or indeed in the country, and in giving his testimony brought all the weight of his popularity and his intellectual gifts to bear with great effect against the accused.

Verplanck addressed the jury upon his own behalf. He declared, which was no doubt the truth, that he was moved to do what he did solely from his sense of the injustice of the college authorities, in publicly refusing to confer the degree because the young man would not utter their political sentiments. "There was," he said, "gentlemen of the jury, a lofty spirit of gallantry about the conduct of Mr. Maxwell with which at the time I could not but sympathize, and which now I cannot but admire. He was bold in the cause of friendship and of character. I approved of his behavior, and I am proud that I did so;" and then gratified his own feelings at least by telling the jury that Dr. Mason was "a man towering in the proud consciousness of intellectual strength, little accustomed to yield, or even to listen to the opinion of others, that he appeared as a witness pouring forth upon him and Maxwell all the bitterness of his rancor and the overboiling of his contempt; throwing off the priest and the gentleman and assuming the buffoon; showering upon them his delicate irony, his choice simile of the congregation of snakes, and all the other savory flowers of rhetoric, in which he was so fertile, and had poured forth in such abundance," and, appealing to the jury, asked, "What credit will you give to a witness, inflamed by passion, smarting with wounded pride, and mortified self-confidence?"

It was very doubtful whether the offence, which the law denominates a riot, had been proved, or in fact committed, whether there was any thing more than a strong expression of disapprobation on the part of the audience, an occurrence more or less incident to the nature of public assemblages, which became a scene of disorder from the faculty persisting in refusing to give the young man his diploma. No actual violence on the part of any of the defendants was proved, nor was what occurred of a nature to create public terror, a necessary ingredient in the crime of riot. There was probably nothing more than a breach of the peace.

It was pertinently suggested by Mr. Jay that if the college permitted the students to discuss a political question, as a part of the public exercises at a commencement, they should have been allowed the free exercise of their own views in the discussion of it, and that the supervision of their remarks should have been confined to the correction merely of literary defects; that otherwise there was no freedom in the debate, but the students were simply mouth-pieces to utter the political views and sentiments of the professors; that there was nothing in the statutes of the college which imposed the penalty of a refusal of a degree if a student would not incorporate in his speech

what a professor directed him to put in ; that a resolution had been inserted in the minutes of 1796, subjecting the compositions of the students to the inspection of the faculty, and, if any such penalty as the deprivation of a degree were attached, the students were left in ignorance of it, as there was nothing of the kind in the college statutes ; and he argued that it was not the young men upon trial, but the faculty, who were responsible for the disturbance ; that they had, perhaps, without sufficient reflection, fallen into an error, which their pride prevented them afterward from admitting. They had committed a palpable act of injustice, and it was their unwillingness to recede from it, and their determination to persist in it, that had exasperated the audience. They consequently were the real authors of the riot, if there was one, but he insisted, as did the other counsel for the defence, that, in the sense of the law, there had been no riot.

Clinton, however, had no misgivings in respect to the law. He charged the jury that the offence had been committed, that all the defendants were guilty of it, and got rid of the definition of a riot by Hawkins, a learned elementary authority upon the criminal law, by declaring it to be "undoubtedly bad." He commented upon the conduct of the defendants with

great severity, and was especially severe upon Verplanck. It was difficult, he said, to speak of his conduct in terms sufficiently strong; that he was one of the principal ringleaders "in the scene of disorder and disgrace," and that in his reply to the provost, and in his moving a vote of thanks to Maxwell, he evinced "a matchless insolence." He told the jury that they were bound, "by every consideration arising out of the public peace and the public morals, and by their regard for an institution venerable for its antiquity, to bring in all the defendants guilty;" that he had no hesitation in declaring that the disturbance was "the most disgraceful, the most unprecedented, the most unjustifiable, and the most outrageous, that had ever come to the knowledge of the court."

Under this charge the jury found the defendants guilty. Verplanck and Maxwell were fined two hundred dollars each, which was imposed, says Renwick, Clinton's biographer, in an address conveying a severe, merited, and pointed reprimand. They were required, in addition, to procure sureties for their future good behavior; and the same authority states that Clinton hesitated for some time whether he was not called upon, by a regard for justice, to inflict also the disgrace of imprisonment.

But the result of the prosecution did not produce

the effect which its promoters anticipated. Public feeling, especially in the Democratic party, was with the defendants, and the course of Clinton, upon the trial, greatly augmented the hostility of the Madisonian Democrats to him. We were then on the eve of a war with England. The measures of Madison had not been sufficiently energetic to satisfy the more ardent of the Democrats; and Clinton, relying upon a diversion of the dissatisfied portion of that party in his favor, had taken the field as a candidate for the presidency against Madison, and at this very time was intriguing to secure the support of the Federalists. By the Democrats his course upon the trial was attributed to a desire to ingratiate himself with the Federal party, and matters subsequently brought to light disclose that this belief was not wholly without foundation. Dr. Mason, a Federalist of the strictest sect, either shortly before, or about the time of the trial, had acted as the private friend of Clinton in bringing about an interview between him and John Jay, Rufus King, and Gouverneur Morris, three of the principal Federal leaders, which failed of its object through John Jay's disgust at hearing Clinton say that he had never sympathized with the Democrats, but had always been in favor of the policy of Washington and Adams's Administration—an extraordinary statement

from the man whose denunciation of the Federal leaders, as "men who would rather reign in hell than serve in heaven," had rung through every part of the Union. It was therefore not without some ground that he was exposed to the suspicion of having been actuated upon this trial by a desire to do something that would gratify the Federalists, and especially his negotiator with them, a man of imperious temper and despotic will, who had set his heart upon the success of this prosecution.

Two months after this trial Mr. Verplanck was married to Miss Eliza Fenno, by whom he had two children, William L. and Gulian Verplanck, Jr. The lady died in Paris, in 1817. The younger son, Gulian, in 1845.

During this year, 1811, he made his first venture in authorship, in an anonymous pamphlet in the form of a letter, addressed to the learned Dr. Samuel L. Mitchell, purporting to come from Abimelech Coody, ladies' shoemaker, 289 Division Street, beseeching the learned doctor, who was then a United States Senator, to advise him how he should invest ten thousand dollars which he had drawn in a lottery, and detailing his ill success in attempting to use it in banks, in manufacturing companies, and in discounting commercial paper. This production was rather playful than witty, but it attracted attention at the time from the nature

of the subject, and because it was a pioneer of a kind of writing in which Artemus Ward and other humorists have been so successful, where much of the effect is produced by the way in which the words are spelled and in the clever imitation of the style of an illiterate person.

Having entered the literary arena under the sobriquet of Abimelech Coody, he used this *nom de plume* afterward in pamphlets and in political articles in the newspapers during the years 1814 and 1815. One was a vigorous appeal to the Federalists to come out manfully in support of the war. In another, "A Fable for Statesmen and Politicians," the struggle for the presidency was depicted as a strife among the various animals for supremacy, in which Clinton figures as a "young Irish greyhound of high mettle and extravagant pretensions."

In 1812 and 1813 Clinton coöperated with the Federalists, first in his effort for the presidency and afterward in an attempt to defeat Governor Tompkins; and Verplanck, though an avowed Federalist, exerted himself against Clinton, whom he regarded as playing a double part, by secretly acting with the Federalists, who opposed the war, and outwardly with that portion of the Democratic party who regarded Madison's measures as not sufficiently energetic.

In the spring of 1814 he took a more decided course in the formation of a small party of Federalists opposed to Clinton and in favor of the war, who ran a separate ticket for members of Assembly from the city of New York, Mr. Verplanck being one of the nominees. The pretension of this organization to represent the Federalists was unsparingly ridiculed by Coleman, the editor of the *Evening Post*, who bestowed upon them the sobriquet of "the Coodies," and the ridicule finding support in the very small vote which they polled at the election, the organization was abandoned. But, though small in numbers, they were formidable in talent, and kept up the war against Clinton by clever and witty articles in the newspapers, which he appears to have felt much more keenly than the organized efforts of the politicians.

In 1815 Clinton was removed from the office of Mayor of New York. He had become alienated from the Democratic party, without acquiring the confidence of the Federalists; and, with his political prospects blasted, he found himself with a large family, deprived of a lucrative office, and heavily in debt. This painful position was augmented by the fact that his life had been passed wholly in politics and that he had never followed any business or profession. At this moment, when many would have sunk in despondency, this

remarkable man determined to devote his energy to a work with which his name will be forever associated—the construction of the Erie Canal; and, anticipating political opposition both to it and to himself, he resolved to attack with their own weapons those who by their writings had assisted in producing his downfall. Accordingly, in 1815, a pamphlet appeared entitled “An Account of Abimelech Coody and other celebrated writers of New York, in a letter from a traveller to his friend in South Carolina.” Under a show of apparent fairness, it was designed to demolish the political and literary influence “of the Coodies,” whom he described as of “a hybrid nature, the combined spawn of Federalism and Jacobinism, generated in the venomous passions of disappointment and revenge.” Washington Irving, Paulding, and many others, came in for severe castigation, but he especially devoted himself to Verplanck (Abimelech Coody). He reviewed all his literary performances, charged him with avarice, and, what was apparently a high offence in Clinton’s eyes, of writing in the magazines for money. He detailed the particulars of Verplanck’s trial and conviction as a rioter in Trinity Church, giving extracts from the severest portions of his own charge; and, after admitting that Verplanck had more knowledge than his brother wits, and was polite in his manner, he

proceeded, in an imaginary interview, to give this not very complimentary account of his personal appearance: "When I saw Abimelech Coody, he arose from his chair as I was announced and did not approach me in a direct line, but in a sidelong way, or diagonally, a kind of *echelon* movement, reminding one of Linnaeus's character of a dog, who, he says, always inclines his tail to the left. This I attributed at first to diffidence, but I no sooner had a full view of him, than I instantly saw

‘the proud *patrician* sneer,
The conscious simper, and the jealous leer.’

"His person is squat and clumsy, reminding one of Humpty Dumpty on the wall. A nervous tremor is concentrated at the end of each nostril, from his habitual sneering and carping, with a look as wise as that of Solomon, at the dividing of the child, upon an old piece of tapestry." And, after having disposed of Verplanck, he proceeded, under the shelter of an anonymous name, to give the following very flattering account of himself: "Mr. Clinton, among his other great qualifications, is distinguished for his marked devotion to science; few men have read more and few men can claim more varied and extensive knowledge, and the bounties of Nature have been improved by persevering and unremitting industry." It would scarcely be credited that

a man should write in this way respecting himself, and the existence of this passage might justify a doubt of his being the author of the pamphlet, were it not that the original manuscript, in his handwriting, which was preserved by the printer, is in existence.

It would have been better had he left Abimelech Coody alone; for, though Clinton, as a writer, had a great deal of force, and was something of a master of invective, he had not Verplanck's learning, his critical acuteness, nor his wit—qualities of which the latter made ample use when the proper time arrived.

It would appear from Clinton's statement that Mr. Verplanck held some military position during the war, for he enumerates, among his other acts, that he settled down into a captain of sea-fencibles for money. He was, however, what Clinton was not, an earnest and consistent supporter of the war from the beginning, alienating himself in this respect from his family and from all his previous associations.

In 1813 Washington Irving undertook the editorial charge of a periodical known as the *Analectic Magazine*, in which he was aided by the contributions of two of his literary friends, Verplanck and Paulding. Mr. Verplanck's contributions, which will be found under the signature of V., consisted chiefly of biographical sketches of such leading Americans as Samuel

Adams, Fisher Ames, Oliver Ellsworth, and others. These papers, though exceedingly well written, were, as biographical sketches, wanting in a due appreciation of some of the characters delineated. He did not, for instance, give Samuel Adams the position he deserved as one of the master-spirits of the American Revolution, for the reason, probably, that the facts which show it had not then come to light.

At the close of 1816 he went to Europe, and was absent two years. He was joyfully welcomed, upon his arrival in London, by his friend Washington Irving. "The sight of him," writes Irving to Mrs. Hoffman, "brought a thousand melancholy recollections of past times and scenes; of friends that are distant, and others that are gone to a better world;" and the two friends passed much of their time together. While he was in London he was a frequent attendant in the Court of King's Bench, then presided over by the celebrated Lord Ellenborough. Of Ellenborough, and of what occurred in the law courts, he had many pleasant anecdotes. As a ludicrous illustration of the weight which this eminent jurist gave to the want of collegiate education in a professional man, Mr. Verplanck had this anecdote: that he was present in court in an action brought by a surgeon for the recovery of his bill, which the person who employed him resisted, as an

unreasonable charge. These were not the days of Sir Astley Cooper, or of Dr. Mott, and Lord Ellenborough, who probably looked upon the calling of a surgeon as but slightly removed from that of a barber, was described by Mr. Verplanck as closing his charge to the jury, in his deep-toned voice and with all his impressiveness of manner, in these words: "I submit to you, gentlemen of the jury, whether this is not an enormous charge on the part of a man whose education has been illiberal, and whose art is mechanical."

He was fortunate, in 1816, in seeing Mrs. Siddons in her two greatest characters, Queen Katherine and Lady Macbeth, upon the only two occasions after her retirement, when she consented to reappear, first for the benefit of her brother, and afterward at the special request of the royal family. He spoke of her performance, upon both occasions, as transcending anything he had ever witnessed, expressing this opinion after he had seen Rachel and Ristori in their finest personations. He was also present in 1817 when her brother, John P. Kemble, took his farewell of the stage, in the character of Coriolanus. He described Kemble as a careful, studied, and classical actor, who was very fine in Roman characters, but not equal to Cooke or to Kean in some of the master-creations of Shakespeare, such as Othello, Lear, Macbeth, Shylock, and Richard

the Third. He saw Kemble in Hamlet, which was considered the most perfect of his performances, and paid Mr. Edwin Booth the compliment of saying that his personation of Hamlet was superior to that of Kemble, Cooke, or Kean. After leaving England he made the usual tour of the Continent, and passed much of his time in Paris, a close observer of the effects produced by the reactionary movement that followed upon the downfall of Napoleon. He especially enjoyed, while in Paris, the acting of Talma, Mdle. Mars, and Mdle. George, for he was an excellent French scholar, and as thoroughly acquainted with the dramatic literature of France as he was with that of England.

Upon his return to this city, in 1818, he delivered an anniversary discourse before the New York Historical Society. It is among the most finished of his productions, and greatly augmented his literary reputation. Among other things in this admirable discourse, he successfully vindicated the benevolent Las Casas from the charge of Robertson, and other historians, of having been the one to suggest the importation of negroes from Africa for slaves, as a means of dispensing with the enslavement of the Indians, a statement until then universally credited. He reviewed the leading events connected with the colonization of New England, the Middle States, and some of the Southern States, interweav-

ing his observations with some finely-sketched portraits, especially of Oglethorpe and Bishop Berkeley, calling attention for the first time in this country to Berkeley's well-known poem, containing the prophetic line, "Westward the course of empire takes its way." In adverting to the founding of this city by the Dutch, he vindicated the Hollanders from the aspersions of English writers, and referred to his friend Irving's "Knickerbocker," in these words :

"It is more in sorrow than in anger that I feel myself compelled to add to these gross instances of national injustice, a recent work of a writer of our own, who is justly considered one of the brightest ornaments of American literature. I allude to the burlesque history of New York, in which it is painful to see a mind as admirable for its exquisite perception of the beautiful, as it is for its quick sense of the ridiculous, wasting the riches of its fancy on an ungrateful theme, and its exuberant humor in a coarse caricature." Irving, writing home to his brother, says: "I have seen what Verplanck said of my work. He did me more than justice in what he said of my mental qualifications, and he said nothing of my work that I have not long thought of it myself. He is one of the honestest of men I know of in speaking his opinion. . . . His own talents and acquirements are too great to suffer him to

entertain jealousy; but, were I his bitterest enemy, such an opinion have I of his integrity of mind, that I would refer any one to him, for an honest account of me, sooner than to any one else."

Upon Verplanck's return, Clinton, through his labors as one of the commission of inquiry, and his earnest advocacy of the Erie Canal, had been restored to popular favor and was Governor of the State; but there was still a strong party against him, upon whom Clinton conferred the *sobriquet*, by which they were long afterward known, of "The Bucktails," and with that party Mr. Verplanck allied himself.

The fruit of this political connection was the appearance in the following year, 1819, of a production which was then extensively read in the city and in the State, upon which the newspapers bestowed the popular name which it afterward bore, of "The Bucktail Bards." It was a poetical satire upon Clinton, of great merit not only in the epigrammatic point of the verse, but in the wit and learning displayed in the notes with which it was profusely garnished. It first appeared in the form of a brief poetical epistle, entitled "Dick Shift," which was afterward, during the same year, augmented in quantity and published with another poetical effusion assuming to come from one Major Pindar Puff, a friend of Clinton's, and some smaller poems, the whole

being embraced under the general title of "The State Triumvirate," to which a ludicrously learned and witty introduction was added, and an increased quantity of notes. My limits will admit only of the observation that the description of the hero, Dick Shift, an unprincipled politician and applicant for office; the portrait of the learned Dr. Samuel L. Mitchell; the interview with Clinton; and the meeting of the council, in which Dick's application for office is passed upon, will bear comparison with any thing in *Hudibras* or *Swift*: while the imitation of the Irish orator, Charles Phillips; the French congratulatory poem; the ludicrous epigram disguised in Greek letters, purporting to come from Dr. Parr; the philological dissertation upon the derivation and meaning of the word Bucktail; and the learned letter of Dr. Mitchell in the notes, explaining scientifically the kind of vermin that troubled the sapient Mr. Pell, the secretary and political ally of Clinton, are all full of point and humor.

The object of this production was to expose the political venality and corruption of many of the leading men that surrounded Clinton, as well as to take down the Governor's literary and scientific pretensions, which was done with telling effect both in the poem and in the notes.

"The Bucktail Bards" was at the time attributed

to Mr. Verplanck, though it has been since supposed to have been the work of several hands, and the names of Judge John Duer, and of Rudolph Bunner, an active politician and a man of vivacity and wit, have been named as connected with him in the production of it. He was himself always very reticent upon the subject. When called upon, at the dinner given in the Century to Fitz-Greene Halleck, to respond to a toast complimentary to this satire, he evaded the question of the authorship, but upon another occasion impliedly admitted his connection with it, but that was all. He probably felt (for he was not a man to bear animosities) that he had accomplished, by its production at the time, all that he had desired, and was willing to let the controversy end with the causes that had produced it.

In this year, 1819, he was elected by the anti-Clin-tonians, or Bucktails, to the Legislature, as a member from the city of New York, and continued to represent it in the Assembly during the years 1820, 1821, 1822, and 1823. He took no prominent part as a speaker or as a debater, nor is his name mentioned in any of the struggles which led to the overthrow of the old Council of Appointment, and the adoption of a new Constitution in 1821. He was chairman of the Committee upon Education, and appears to have devoted himself to those quiet legislative labors which produce their

effects without attracting the attention which is given to exciting political discussions in representative bodies. In fact, like Clinton himself, he never became a ready public speaker or debater. Whatever he did was the result of previous thought and preparation; and even then, though his matter was excellent, his manner was unimpressive, his voice unattractive, and his gestures awkward. He was fluent and easy enough with his pen, and, when he had before him a carefully-written address, he could read it before a literary or other public body with considerable effect.

In 1821 he was appointed a professor in the General Theological Seminary of the Episcopal Church, in the city of New York, and after his retirement from the Legislature, in 1824, he published a volume "On the Nature and Uses of the Evidences of Revealed Religion," a work of sterling merit. Though the subject was one upon which several able and well-known works had been written, his treatment of it had an especial merit of its own. He did not bring together, like Lardner, the great array of historical proof, nor methodize it, to make the conclusions it warrants more apparent, like Paley; nor reason from the analogy of Nature, like Butler; but he relied mainly upon the internal evidence which Christianity itself affords of its divine origin. Toward the close of the essay he

surveyed the leading features of the historical proof, but the body of the work was devoted to showing the superiority of Christianity to every other form of religious belief, in its adaptation to the wants and hopes of man's nature. It is impossible to read this book without being profoundly impressed by the sincerity of the writer's convictions, and it abounds in passages of great force, earnestness, and beauty, of which the following may be cited as a specimen :

“Prophecy announces the advent of the religion of Jesus; history records its progress; literature and criticism combine to attest the muniments of its doctrines; but its surest witnesses are to be found in man's own breast—in the grandeur of his thoughts—in the lowness of his desires—in the aspirations which lift him toward the heavens, in the vices which weigh him to the earth—in his sublime, his inexplicable conceptions of infinity and eternity—in his humiliating experience of folly, misery, and guilt. . . . It unfolds to him his own character and situation, his duties and the means of discharging them, the moral diseases under which he labors, and the remedies he needs. . . . It presents to him a high and beautiful, an unostentatious and pure morality, taught in weighty and impressive aphorisms, in natural and touching similitudes, or in the most engaging forms of action and character. . . . It speaks

to him of the nature and attributes of God, and this not in the way of dry and didactic systems, but as those attributes are actually exhibited in the manifestations of His power and goodness. While it offers to man's consideration subjects to engage and employ the noblest powers of his reason, it addresses him also as a being largely endowed with sentiments and affections, and it calls upon the warm sensibilities and strong emotions of his breast, moving him in turns by each and every rational motive of interest, duty, and feeling, to remorse, to fear, to repentance, to devotion, and to gratitude."

This period of comparative leisure was productive of other fruits. His attention was attracted by the want of commercial morality in that period of wild speculations and fluctuations in value which preceded the panic of 1825, and the legal rules by which contracts for the buying and selling of merchandise are governed, which, as he conceived, were insufficient to secure that integrity in trading which he deemed indispensable to a commercial people. Accordingly, in 1825, he published a volume called an "Essay on the Doctrine of Contracts as affected in Law and Morals by Concealment, Error, or Inadequate Price." Whatever may be the judgment of lawyers upon the modifications he proposed in the rules upon this branch of the

commercial law, there can be but one opinion in respect to the legal learning displayed in the work, and upon the ability with which it is written. It would have produced at the time a marked impression, had its author been an eminent lawyer or judge, but, emanating from one unknown in the practice of the law, it appears to have attracted but little attention. It was, moreover, most unjustly assailed by the editor of a law journal then published in the city of New York, who, so far as it related to the law, spoke of it with the utmost contempt, and, as an ethical treatise, pronounced it of no value. He recommended those who had not bought it, to leave it untouched upon the bookseller's shelves, and those who had, to let it lie upon their tables with its leaves uncut. It may be doubted, from his remarks, if the writer had ever read it, and the whole article bears internal evidence of having been written by a personal or political enemy. The reviewer was answered by William Sampson, a lawyer of some literary notoriety at the time, whose praise of the work, at least among lawyers, was probably as detrimental as the other writer's abuse; for Sampson, in public addresses, in pamphlets, and in newspaper articles, had indulged for years in an indiscriminating denunciation of the whole system of the common law, a course as extreme and as unreasonable

as the legal bigotry of those who consider it the perfection of human reason, and as beyond the possibility of improvement.

One of the leading objects of this work was to bring about some modification of the rule of *caveat emptor*, by which, in the event of any defect in the article sold, the loss is upon the buyer, unless he has bought upon an express warranty, or the seller has been guilty of fraud. He urged with great force the unjust extent to which this rule had been carried, and gave many illustrations of cases in which it would be to the benefit of commerce, entirely practicable and certainly just, to impose the loss upon the seller; and, having been engaged for many years in the chief commercial city of the Union, in the discharge of duties involving the practical application of this legal rule, I am enabled to say that the law is coming round to the recognition of some of the very distinctions insisted upon in this derided book; and I may add, as the result of my experience, that, if a more strict and just rule had been applied, we should, I think, have had a higher standard of morality in buying and selling, without any diminution of our commercial prosperity as a people.

During this year, 1824, he delivered a discourse at the annual meeting of the American Academy of the

Fine Arts, the superiority of which to a much-lauded address of Clinton's before the same body, eight years previously, is very marked. I know of no production, within the same limits, in which the reasons why a nation should encourage the development of the fine arts are so forcibly stated; that describes so felicitously the beneficial influence which works of art exercise upon individuals, or which points out so clearly the causes of the pleasure which they impart. A considerable portion of this discourse was devoted to an examination of the state of architecture in this country, and suggestions were made for its improvement, many of which are as applicable at the present day as at the time when they were delivered.

In 1825 Mr. Verplanck was elected to Congress as a representative from the city of New York, and continued to be a member of the House of Representatives for eight years, or until 1833. My limits will not allow me to review in detail his congressional career during a period which embraced the whole of John Quincy Adams's Administration and the first four years of General Jackson's. It was, as will be remembered, one of the most exciting periods in our political history, and in which he was an influential actor. I may refer to the fact that it was through his instrumentality chiefly that the law of copyright was extended from twenty-

eight to forty-eight years, in recognition of which a public dinner was given to him in this city. He was chairman of the Committee of Ways and Means, then the most responsible as well as the most influential position in the House. To this committee was intrusted the delicate subject of the tariff, which at that period agitated the whole country, gave rise to the political doctrine of nullification, and threatened the dismemberment of the Union. It was a great national crisis, through which the country was carried in safety by the adoption of the famous Compromise Act of 1833, a master-stroke of policy, which pacified the nation, and satisfied both the North and the South. This compromise Mr. Verplanck was one of the parties in bringing about. As chairman of the Committee of Ways and Means, he reported a bill for the diminution of duties until they reached the revenue standard. As the passage of this bill in the House was apprehended by Mr. Clay, the leader of the protectionists, action upon it at their request was delayed. Consultations followed, and a compromise for a gradual diminution of duties over a period of more than two presidential terms was privately agreed upon, a bill was prepared to that effect and introduced in the Senate by Mr. Clay, and discussed. Pending its discussion, the bill of the Committee of Ways and Means came up in the House, when the one which had been pri-

vately agreed upon was offered as a substitute. It was referred to Mr. Verplanck's committee, was reported by him the next morning, and passed the House. It was immediately thereafter brought to the Senate, and, having the united support of Mr. Clay and Mr. Calhoun, was adopted. The chief difference between it and the bill of Mr. Verplanck was, that his bill provided for an immediate reduction in part, and a final reduction to the revenue standard in 1834; while the other provided for a gradual diminution to that standard until reached in the year 1842. The whole credit of the measure was, however, accorded to Mr. Clay, and little if any attention given to the fact that it was the bill of Mr. Verplanck, and the fact that he had a majority in the House in favor of it, that brought things to a crisis and to a settlement. He took no pains himself to advise the world of his share in this important measure. He was throughout life modest in respect to his own services or acquirements, and appears to have been indifferent to the value of political or literary fame.

The message of General Jackson, recommending the removal of the deposits from the Bank of the United States, was also referred to this committee. Mr. Verplanck reported a resolution, declaring as the opinion of the House, that the deposits were safe in the custody

of the bank, which was adopted by a large majority. This brought him into open collision with General Jackson, and the result was his separation, with many others, from the Democratic party, and the formation of the Whig party, of which he was one of the founders. In the following year, 1834, he was nominated by the Whigs for the office of Mayor of New York, in opposition to his Democratic colleague in Congress, Cornelius W. Lawrence, which gave rise to one of the most exciting municipal contests that has ever occurred in this city, in which his Democratic opponent was elected by the small majority of one hundred and fifty-two.

Upon retiring from Congress, he devoted himself more especially to literary pursuits, and contributed articles to the *Mirror*, a literary journal then published in New York, among which was a charming memoir of Robert C. Sands, his literary associate, together with Mr. Bryant, in the production about this period of three volumes of a literary annual, *The Talisman*, which contains many light articles from his pen.

Clinton died in 1828. Two years afterward, Mr. Verplanck delivered a discourse before the literary societies of Columbia College, and, forgetting whatever cause he had for complaint at Clinton's conduct upon his trial, and his coarse personality in the sketch of Abimelech Coody, he availed himself of the occa-

sion of this address to offer this noble tribute to his memory:

“I gladly pay the homage due to his eminent and lasting services, and honor the lofty ambition which taught him to look to great works of public utility, and their successful execution, as his arts of gaining or of *redeeming* the confidence of a generous and public-spirited people. Whatever of party animosity might have blinded me to his merits, had died away long before his death, and I could now utter his honest praises without the imputation of hollow pretence from others, or the mortifying consciousness in my own breast of rendering unwilling and tardy justice to noble designs and great public services.”

In the same year, 1830, he interested himself in the movement for the erection of a public monument to the great forensic orator and patriot, Thomas Addis Emmet, and was the author of the lengthy English inscription which records, upon the obelisk in St. Paul's churchyard, the services and merits of this distinguished man. In 1833 Mr. Verplanck published a collection of his own discourses, and for many years thereafter he continued to deliver addresses before literary and other bodies, distinguished for the elegance with which they were written, and the comprehensiveness and felicity with which he handled various sub-

jects within the wide range of his knowledge. Among them I should not pass without notice his introductory address to a course of scientific lectures before the Mechanics' Institute of the city of New York, in 1833, as exhibiting the facility with which he could impress upon the popular mind the attractiveness and value of scientific studies; his discourse in the same year before Geneva College, upon "The Right Moral Influence and Use of Liberal Studies," with its noble opening, in which he traced the course of the mathematical and physical sciences from "the time when the Chaldean shepherd solaced the long hours of his nightly watch by tracing the apparent movements of the heavenly bodies, and the Egyptian priest or magistrate, compelled, by the yearly overflow of the Nile, to mark out again the places of each proprietor, was led to the discovery of the elementary problems and propositions of geometry;" and the earnestness with which, in this fine address, he sought to impress upon his young hearers the necessity and value of toleration in all matters of opinion, which with him was not simply inculcating a precept, for it was illustrated by the example of his own life; and his discourse in 1836, before Union College, "The Advantages and Dangers of the American Scholar," which may still be read with interest and instruction for its admirable com-

parison of the advantages and disadvantages which our republican institutions and forms of society exercise upon the vocation of literary men.

In 1838 he was elected to the State Senate, in which he served four years. It was then a body combining legislative and judicial functions, the members of which, in addition to forming a coöperative branch of the Legislature, sat also as a Court of Errors, to review the decisions of the Supreme Court and the Court of Chancery. Of his legislative labors, my limits will allow me only to refer to his masterly speech upon the reform of our judicial system, a speech which gave the death-blow to our Court of Chancery. It exhibits how profoundly he had studied our judicial system, and that of England and of other countries; how fully he understood their defects, and how clearly he comprehended the improvements that could be made. It will suffice to say, that some of the most valuable changes adopted by the Constitutional Conventions of 1846 and 1868 were suggested in this speech; and I may add that our system would have been more harmonious and perfect had they followed his sagacious advice in some other features.

In the Court of Errors he occupied from the beginning a commanding position. In the first case that was argued after he became a member of the Court,

Saltus vs. Everett, he delivered the leading opinion upon a most embarrassing and difficult question of commercial law, an opinion frequently cited with approbation by judges, and followed in other States and in England. In the one hundred and seven cases decided while he was a member of the Court, he wrote opinions in seventy-one, an unusual proportion when the importance and difficulty of the questions are considered that come before a court of last resort. These opinions, which were perspicuously and elegantly written, were not simply his conclusions, but elaborate judgments, founded on the closest investigations of the questions submitted, the most careful and exhaustive examination of authorities, and a practical, comprehensive, and familiar acquaintance with legal rules and principles, even those of the most technical kind. It was, as it might well be, a matter of astonishment that a man who had never sat before in a court of justice—who never argued or tried a cause for a client in a court in his life—should at once take such a position as this in the highest judicial tribunal of the State, and hold it during the entire period that he continued to be a member of it. In fact, he was the controlling power, for, whenever the Chancellor differed from him, he invariably carried the Court, and the weight that was attached to his opinions may be inferred from the

fact that, during the four years that he served, it is only in three instances that his vote is found recorded with the judges who voted in the minority.¹

Throughout his life he had been a diligent student of Shakespeare, and upon his quitting the Senate he

¹ The opinions he delivered will be found from vols. xx. to xxvi. of Wendell's Reports; and, that some estimate may be formed of their extent and value, I will briefly enumerate some of the most important, viz.: His learned opinion in *Thompson vs. The People*, upon the true nature of franchises in this country, the right to construct bridges over navigable streams, and the limits of the writ of *quo warranto*. His exhaustive examination of the whole structure of our State and Federal Government, in *Delafield vs. The State of Indiana*, upon the question whether a citizen of this State could maintain an action against one of the States of the Union. His admirable exposition of the reasons upon which the doctrine of prescription, or rights established by custom and long usage, is founded, in *Post vs. Pearsall*. On the interpretation of technical legal terms, in *Lovett vs. Pell*. His admirable survey of the whole law of marine insurance, and of the principles upon which it rests, in the *American Insurance Company vs. Bryan*. The right which the owners of the adjoining soil have in the beds of rivers, involving a lengthy examination of the law of navigable rivers and fresh-water streams, in *Hempshall's case*; a most masterly opinion, in which the whole Court concurred. His opinion in *Smith vs. Acker*, in which he carried the Court against the Chancellor, and overturned all the previous decisions of the Supreme Court, on the right of a jury, upon an uncontradicted state of facts, to decide whether there was or not a fraudulent intent in a mortgage of personal property, the Supreme Court having uniformly held that the question of fraudulent intent,

undertook, at the request of the Messrs. Harper, to edit a new edition of the poet's works. To this task he applied himself with great assiduity and devoted to it three years. It was completed in 1847, in three

upon an undisputed state of facts, was a question of law for the judge and not for the jury. His controlling opinion in the great case of *Alice Lispenard*, upon the amount of mental capacity necessary to make a will, affecting an immense amount of property in the city of New York. Upon the law of personal trusts, in *Darling vs. Rogers*. Of joint banking corporations, in *Warner vs. Beers*; of partnership, in *Vernon vs. The Manhattan Company*. On the right of an advocate to maintain an action for his fees, in *Stephens vs. Adams*. Upon the law of the delegation of trusts, in *Lyon vs. Jerome*. Upon the fraudulent hypothecation of vessels and the obligation of bottomry bonds, in *Cole vs. White*, an opinion of great length and of great ability. His opinion maintaining the power of the Chancellor to compel the payment of taxes where there is no adequate remedy at law, in *Durant vs. The Supervisors of Albany*. Upon the law of fire insurance, in *The Mayor of New York vs. Pentz*. The law of libel, in *Ryckman vs. Delavan*. Upon erasures in deeds and instruments under seal, in *Brown vs. Kimbal*. His exposition of the whole law of lien, in *Faile vs. White*, and his opinion upon the liability of a city to pay for a building which was blown up by order of the authorities to stop a conflagration, in *Stone vs. The Mayor of New York*. In *Hoe vs. Acker*, the Court of Errors afterward qualified their previous decision; and, in the great case of *Alice Lispenard*, the correctness of Mr. Verplanck's conclusion has been doubted. With these two exceptions, however, so far as I know, the soundness of his numerous opinions has never been questioned.

large volumes, and was from its literary merit, its pictorial embellishments, and the perfection of its typographical execution, the best edition of Shakespeare that had appeared in this country. Its chief value as an edition lies in the care Mr. Verplanck bestowed upon the text; in the light thrown by his notes upon many obscure passages, which he was enabled to do from his extensive reading and his thorough knowledge of the political and legal history of England, and in a judicious selection, from the whole range of Shakespearian literature, of such critical observation as would lead to a better understanding of the plays, a clearer conception of the characters, and a fuller appreciation of the poet's genius. No one, unless he is very familiar with the subject, would get from the work itself a knowledge of the precise extent or value of Mr. Verplanck's labors, for his own observations, he says, are sometimes incorporated with the remarks of others, and sometimes given in separate notes; modestly observing that he had not felt enough of the pride of authorship to designate any thing of his own by his name or any peculiar mark. He did little in the way of conjectural emendation. If, he says, in one of his notes, the safe rule of endeavoring to understand the original text, instead of guessing what the author ought to have written, had been

adopted, we should have been saved volumes of commentary, and it is his judicious adherence to this rule that renders the edition, in my judgment, so valuable. He remodelled Collier's life of the poet, and wrote an introduction to each play, in which, in addition to many admirable observations upon the separate plays, he bestowed much study and thought to determine the time or periods in which they were successively produced, his object being to trace the progress of Shakespeare's taste and experience; or, to use his own language, "to follow out, through each successive change, the luxuriant growth of his poetic faculty and comic power, and the still nobler expansion of the moral wisdom, the majestic contemplation, the terrible energy, the matchless fusion of the impassioned with the philosophical, that distinguished the matured mind of the author of *Hamlet*, *Lear*, and *Macbeth*." It is much to be regretted that the plates of this excellent edition were shortly afterward destroyed by fire. Being a very costly work, it was not reproduced, and it consequently never became as extensively known as it deserved to be.

It now remains but to enumerate what he did, in his capacity as a private citizen, for public objects. He was for more than fifty years a trustee of the Society Library; for forty-four years a regent of the University of

the State of New York, requiring his personal attendance twice a year at its sessions in Albany; for twenty-six years he was a member of the vestry of Trinity Church, and was at his death one of the two church-wardens, a position involving the care and management of the enormous property of that great religious corporation; for twenty-four years he was president of the Board of Emigration, a public trust of the most important and onerous character, to which he attended with the most scrupulous fidelity up to last week of his life; for many years he was a governor of the New York Hospital, and a director of the New York Life Insurance Company; and was one of the managers of the Manhattan Club, and the first vice-president of the New York Historical Society. All of these positions he held at the time of his death; to which it must be added that he had been for many years a trustee of the Public School Society, an institution no longer in existence; a trustee for several years of Columbia College, and had been vice-president of the American Academy of Fine Arts, the institution which preceded and gave rise to the present National Academy of Design. He was at first the usual chairman, and after its charter the president, of the Century Club for seventeen years. His connection with these institutions was not like that of many who merely give the

countenance of their names, but he attended to their affairs with the exactness, punctuality, and method of a merchant.

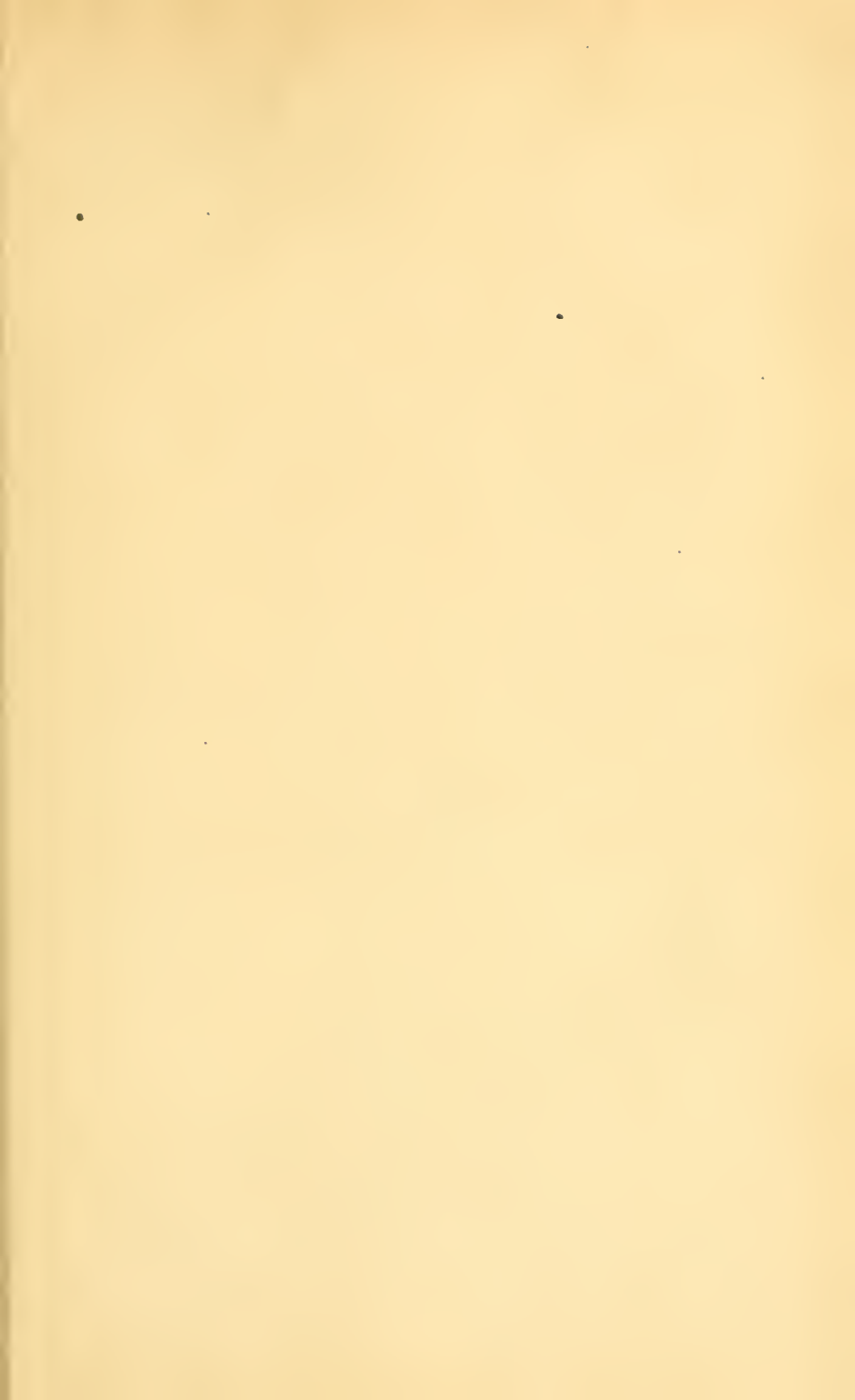
He did little, if any thing, during his long life, to aid public objects by pecuniary assistance. I have never seen or heard of his name attached to a voluntary subscription for such a purpose. It was a great defect in a man so accomplished and otherwise so public-spirited, and was the more marked in a city where pecuniary liberality, for public objects, is a distinguishing characteristic of its citizens. Clinton charged him with avarice. This was scarcely just, for he was not a man who had made the accumulation of money or property a leading object of life. He was content with the fortune he had inherited, which was supposed, during his life, to be large, but which after his death appears to have been much exaggerated. He may have been parsimonious; but he was not avaricious, nor in any way mercenary, for he gave his time and his intellect for years, as has been shown, to public institutions, and public labors, frequently of an exacting nature, where he neither received nor sought for compensation.

Finally, when it is considered that he was for years an efficient manager of institutions, eleemosynary, financial, educational, municipal, and religious; that he had

been an active politician, a legislator, and a statesman ; that he was an eminent jurist, an able theologian, an acute literary critic, a satirical poet, an exquisite prose writer, and a scholar of vast and varied attainments, it will be felt that I have not overestimated in saying that he was the most distinguished of the descendants of the founders of New York. The appreciation of his talents and services, the consciousness that a great citizen had departed, were shown in the character of the men who filled Trinity Church upon the day of his funeral, and this voluntary tribute of respect, at the busy hour of noon, in this busy metropolis, was a demonstrative and public proof of the estimate formed in his native city of his life and character.











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